REMARKS

Reconsideration of the application is respectfully requested. In this reply, claim 9 is canceled, claims 1-8 are amended, and new claims 10-17 are added. Support for the amendments to claims 1-8 are found at least in paragraphs [0031-0032]. Support for new claims 10, 15 can be found in paragraph [0030] and support for new claims 11-12, 14 can be found in paragraph [0040] and figure 4B of the originally submitted application. Support for new claim 13 can be found in the original claim 5. Support for new claim 16 can be found in paragraph [0029], [0039] and figure 4A. Support for claim 17 can be found at least in paragraph [0040], last sentence.

Telephone interview took place on October 11, 2007, between Examiner William H. Wood of USPTO and Eunhee Park, to discuss the section 112 and 102 rejections in the Office Action dated September 12, 2007. While no definitive agreement was reached, applicant appreciates the Examiner's courtesy of extending that interview.

Claim rejection - 35 U.S.C. §112

The Office Action rejected claims 1-9 under 35 U.S.C. §112, first paragraph because the original disclosure allegedly does not describe "predicting an impact on the profile" or "without running the executing application again." Without conceding to the propriety of that rejection (e.g., it was explained in applicant's previous response where the support can be found), applicant in this reply is amending claims 1-8 to recite "impact on the executing application." Further, claim 9 is being canceled without prejudice. As discussed during the telephone interview of September 12, 2007, it is believed that the amendment overcomes the section 112 rejection.

Claim rejection – 35 U.S.C. §102(b)

Claims 1-9 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Romer et al. "Instrumentation and Optimization of Win32/Intel Executables Using Etch", 08/1997 ("Romer"). While not conceding to the office action's allegations, applicant is

amending claims 1-8 for further clarify what is being claimed. Applicant believes that Romer fails to disclose every element claims in independent claims 1-8.

For example, Romer does not disclose or suggest at least predicting "based on the profile and one or more actions" an impact of applying the one or more actions to the executing application recited in independent claim 1. Furthermore Romer does not disclose or suggest, "a normalized profile" that is formed according to the predicted impact. Rather, Romer as understood by applicant, discloses a general-purpose tool for modifying executables for both measurement and optimization. As understood by applicant, Romer's tool can be used to instrument an executable that when run would generate a profile; that is, Romer's tool may be used as a mechanism to generate a profile. Romer's tool may be also used to apply an action by modifying an executable, which when run again would generate a different profile.

Romer, however, does not disclose or suggest a profile that is collected. Romer also does not disclose or suggest predicting an impact of applying one or more actions to an executing application and adjusting that collected profile according to the predicted impact.

Independent claims 2-8 recite the similar elements, and therefore, for at least the same reason, it is believed that Romer also does not anticipate independent claims 2-8.

Notwithstanding, applicant believes those claims are separately distinguishable from Romer for at least the following reasons.

With respect to claims 3 and 4, Romer also fails to disclose, "detecting a phase shift in the executing application by utilizing the normalized profile and the second profile." As explained above, Romer does not normalize a profile, let alone use two different profiles, i.e., utilize the normalized profile and the second profile, to detect a phase shift.

With respect to claims 5 and 6, Romer also fails to disclose or suggest, "evaluating the second profile against the normalized profile to determine whether there is expected improvement in the execution of the executing application" and "applying one or more actions to undo the one or more actions applied to the executing application if there is no expected improvement in the executing application." As explained above, while Romer may generate a profile of an executable and modify its executable, Romer fails to disclose or suggest to evaluate a second profile against a normalized profile. Romer also does not disclose or suggest to do so in order to determine whether there is expected improvement. Further, Romer fails to disclose to undo the one or more actions based on that evaluation performed using the normalized profile.

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With respect to claims 7 and 8, Romer also fails to disclose or suggest, "predicting an impact of applying the second selected action to the executing application by utilizing the first normalized profile and the second selected action", "adjusting the first normalized profile to form a second normalized profile according to the predicted impact" and "repeating steps (d) – (f) for the second normalized profile and every subsequently normalized profile and selected action" claimed in claim 7. Similarly, Romer fails to disclose or suggest, "applying the first selected action to the executing application based on the collected profile, applying a second selected action to the executing application based on the first normalized profile and repeatedly applying each selected action from each subsequently normalized profile to the executing application" recited in claim 8. That is, Romer does not disclose or suggest repeatedly normalizing a collected profile based on predicting an impact of applying a series of selected actions one at a time and applying those series of selected actions one at a time.

For at least the foregoing reasons, it is believed that Romer does not anticipate claims 1-8. Further new claims 10-17 are also believed to be novel.

This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance. A favorable Office Action is hereby earnestly solicited. If a telephone interview would be of assistance in advancing prosecution of the subject application, the Examiner is requested to telephone the number provided below.

Respectfully submitted,

Steven Fischman
Registration No.: 34,594

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
SF:EP:me

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